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Assistant Commissioner for Patents,  
Washington, D.C. 20231, on 1-6-03

TOWNSEND and TOWNSEND and CREW LLP  
By Suzanne Shaffer

PATENT

Attorney Docket No. 16303-008030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas D. Madden, *et al.*

Application No.: 09/896,812

Filed: June 29, 2001

For: LIPOSOMAL ANTINEOPLASTIC  
DRUGS AND USES THEREOF

Examiner: Gollamudi S. Kishore

Art Unit: 1615

RESPONSE TO RESTRICTION  
REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement, Applicants elect, with traverse, to prosecute the claims of Group II, claims 32-63, drawn to compositions containing anti-neoplastic agents. Applicants' election is made with traverse as examination of the subject matter recited in the claims of Groups I and II would not place a substantially greater burden on the Examiner.

Further, in response to the Species Election, Applicants elect species (b), *i.e.*, compositions without empty liposomes. As stated in MPEP § 809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141."

Attorney Docket No. 16303-008030  
Application No.: 09/896,812  
Page 2

PATENT

If the Examiner has any questions regarding Applicants' elections, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (925) 472-5000.

Respectfully submitted,



Joseph R. Snyder  
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
(415) 576-0200  
Fax (415) 576-0300

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WC 9047393 v1

JAN 13 2003

1615A

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number

09/896,812

Filing Date

June 29, 2001

First Named Inventor

Madden, Thomas D.

Group Art Unit

1615

Examiner Name

Gollamudi S. Kishore

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Attorney Docket Number

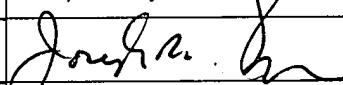
16303-008030

**ENCLOSURES (check all that apply)** Fee Transmittal Form Assignment Papers  
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Reply Licensing-related Papers Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declaration(s) Petition to Convert to a Provisional Application Status Letter Extension of Time Request Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s)  
(please identify below): Express Abandonment Request Terminal Disclaimer Response to Restriction Requirement  
Return Postcard Information Disclosure Statement Request for Refund Certified Copy of Priority Document(s) CD, Number of CD(s) Response to Missing Parts/ Incomplete Application

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

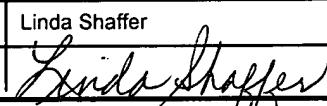
 Response to Missing Parts under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name	Townsend and Townsend and Crew LLP Joseph R. Snyder	
Signature		
Date	Reg. No. 39,381 1/6/03	

**CERTIFICATE OF MAILING**

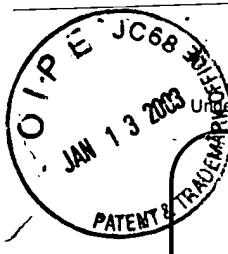
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1/6/03

Typed or printed name	Linda Shaffer	
Signature		Date 1/6/03

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WC 9051409 v1



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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 465)

#### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  MoneyOrder  Other  None

Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

#### FEE CALCULATION

##### 1. BASIC FILING FEE

Large Entity	Small Entity			
Fee Code	Fee Code	Fee Description		Fee Paid
1001	2001	375 Utility filing fee		
1002	330	2002 165 Design filing fee		
1003	520	2003 260 Plant filing fee		
1004	750	2004 375 Reissue filing fee		
1005	160	2005 80 Provisional filing fee		

SUBTOTAL (1) (\$)

##### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fees from below	Fee Paid
Total Claims			X	
Independent Claims			X	
Multiple Dependent		X		

Large Entity	Small Entity			
Fee Code	Fee Code	Fee Description		
1202	18	2202 9 Claims in excess of 20		
1201	84	2201 42 Independent claims in excess of 3		
1203	280	2203 140 Multiple dependent claim, if not paid		
1204	84	2204 42 ** Reissue independent claims over original patent		
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent		

SUBTOTAL (2) (\$)

\*or number previously paid, if greater; For Reissues, see above

Complete If Known	
Application Number	09/896,812
Filing Date	June 29, 2001
First Named Inventor	Madden, Thomas D.
Examiner Name	Gollamudi S. Kishore
Group Art Unit	1615
Attorney Docket No.	16303-008030

#### FEE CALCULATION (continued)

##### 3. ADDITIONAL FEES

Large Entity	Entity	Small Entity	Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,300	2453	650	Petition to revive – unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$465)

#### SUBMITTED BY

Complete (if applicable)					
Name (Print/Type)	Joseph R. Snyder	Registration No. (Attorney/Agent)	39,381	Telephone	925-472-5000
Signature				Date	1/6/03

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